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EXAMINER

BATES, KEVIN T

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2153

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/672,601

Applicant(s)

KARAOGUZ ET AL.

Examiner

Kevin Bates

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This Office Action is in response to a communication made on November 8, 2007.

Claims 1-15 have been cancelled.

Claim 16 and 32 have been amended.

Claims 16 – 47 are pending in this application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims have been amended to delete the limitation that the peripheral can be located at the first system, but claims 22 and 38 further limit the claim to describe the peripheral as being located at the first location. It is unclear how the peripheral can be located at both the first and second system unless the first and second system are at the same location. Please clarify the intent of these limitations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16, 19-23, 25, 27, 29-32, 36-39, 41, 43, and 45-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino (7237029) in view of Narasimhan (6446192).**

**Regarding claims 16 and 32,** Hino teaches a method for monitoring at least one media peripheral via a communication network (Column 2, lines 37 – 44), the method comprising:

identifying (Column 8, lines 1 – 4) by a first system, at a first location (Column 7, lines 1 – 6, the control device), the at least one media peripheral (Column 6, lines 65 – 67, the home appliance) communicatively coupled a second system, the second system at a second location (Column 6, lines 41 – 51, the gateway (GW) apparatus);

establishing a communication link between the first system and the at least one media peripheral (Column 8, lines 12 – 14; lines 22 – 25);

determining authorization for monitoring of the at least one media peripheral (Column 19, lines 4 – 10; lines 21 – 22);

monitoring, by the first system, at least one status parameter of the at least one media peripheral (Column 9, lines 13 – 18), if the authorization is successful (Column 8, lines 14 – 25); and

responding, by the first system, to a state of the at least one status parameter, if the authorization is successful (Column 8, lines 22 – 25); and

not monitoring and not responding to a state of the at least one status parameter, if the authorization is not successful (Column 8, lines 20 – 22).

Hino does not explicitly indicate automating the connection to the peripheral.

Narasimhan teaches a method of monitoring and controlling network devices that includes creating a program that automatically connects to the controlled devices and retrieves status information to monitor those devices (Column 5, lines 46 – 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Narasimhan's teaching of creating an application that automatically retrieves status information in Hino's system to allow Hino to keep track of device status and database that information.

**Regarding claims 20 and 36**, Hino teaches the method of claims 16 and 32 wherein the communication link is established via a wireless connection. (Column 9, lines 8 – 10).

**Regarding claims 21 and 37**, Hino teaches the method of claims 16 and 32 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID (Column 9, lines 17 – 18).

**Regarding claims 22 and 38**, Hino teaches the method of claims 16 and 32 wherein the at least one media peripheral is co-located with respect to the first system (Column 9, lines 59 – 65).

**Regarding claims 23 and 39**, Hino teaches the method of claims 16 and 32 wherein the at least one media peripheral is co-located with respect to the second system (Column 9, lines 59 – 65).

**Regarding claims 25 and 41**, Hino teaches the method of claims 16 and 32, wherein at least one of the first system and the second system comprises a personal computer based media processing system (Column 9, lines 8 – 10).

**Regarding claims 27 and 43**, Hino teaches the method of claims 16 and 32 wherein the establishing, the monitoring, and the responding are accomplished periodically over time (Column 15, lines 25 – 31).

**Regarding claims 29 and 45**, Hino teaches the method of claims 16 and 32 wherein the responding comprises at least one of storing the state of the at least one status parameter and displaying the state of the at least one status parameter (Column 11, lines 7 – 27).

**Regarding claims 30 and 46**, Hino teaches the method of claim 16 wherein the establishing the communication link is automatically initiated by the first system (Column 15, lines 25 – 31).

**Regarding claims 31 and 47**, Hino teaches the method of claim 16 wherein the establishing the communication link is automatically initiated by the at least one media peripheral (Column 11, lines 7 – 27, where the media peripheral automatically sends updates to the GW apparatus and connected remote control devices).

**Regarding claims 19 and 35**, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate that the control device can be a wired connection.

Examiner takes Official Notice (see MPEP § 2144.03) that "a control device that is connected over the internet can also be connected using a wired connection". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

**Claims 17-18, 26, 28, 33-34, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view Narasimhan, and in further view of Krzyzanowski (2004/0003051).**

**Regarding claims 17 and 33, Hino teaches the method of claims 16 and 32.**

Hino does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyzanowski in order to expand the variety of devices that can be remotely controlled in Hino.

**Regarding claims 18 and 34,** Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes a media peripheral that comprises a processor running at least one of media capture software and media player software (Abstract, the MP3 player and Figure 1, element 108, the camera).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in



Hino to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Hino.

**Regarding claims 26 and 42,** Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a television based media processing system.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes the ability to control and transmit video, like baby monitors, security cameras, and television signals (Paragraph 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Hino.

**Regarding claims 28 and 44,** Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein the establishing, the monitoring, and the responding are accomplished at one or more pre-designated times.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes using scheduled times to send signals to the central server and commands and monitor messages to the home appliances (Paragraph 135, where the profile is stored on the protocol client device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Krzyanowski's system of sending scheduled commands and

connections in Hino's system in order to provide reliable scheduled events and status updates for appliances in the network.

**Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view Narasimhan, and in further view of Eytchison (6363434).**

**Regarding claims 24 and 40**, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a set-top-box based media processing system.

Eytchison teaches a gateway that can control a plurality of home appliances, wherein the gateway can be a set-top-box (Column 4, lines 32 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eytchison's teaching of a home server being a set-top-box in Hino's system in order to allow the gateway to be more convenient and available to a home residence.

### ***Response to Arguments***

Applicant's arguments with respect to claims 16 and 32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

92 T Bt

Kevin Bates  
January 30, 2008